

Lisa Hay, OSB #980628  
Federal Public Defender  
101 S.W. Main Street, Suite 1700  
Portland, Oregon 97204  
Tel: (503) 326-2123  
Fax: (503) 326-5524  
lisa\_hay@fd.org

Attorney for Petitioner

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JOHN PHILIP STIRLING,**

**Petitioner,**

**v.**

**DEWAYNE HENDRIX, Warden,  
FCI Sheridan,**

**Respondent.**

**Case No. 3:20-cv-00712-SB**

**SIXTH DECLARATION OF  
COURTNEY WITHYCOMBE,  
FEDERAL PUBLIC  
DEFENDER INVESTIGATOR**

I, Courtney Withycombe, declare:

1. I am employed by the Federal Public Defender for the District of Oregon as an investigator and have served in this position since 2019. My employment since 2005 has been in criminal defense investigation. My current work involves conducting investigation activities in a range of criminal defense cases, including habeas corpus and compassionate release matters.

2. I have been the lead investigator on the federal habeas petitions, now numbering over 100, that have been filed in this district to challenge the constitutionality of confinement at Sheridan under 28 U.S.C. § 2241. The lead case is *Stirling v. Salazar*, 3:20-cv-00712-SB.
3. This is the sixth declaration I have made regarding information received about conditions at Sheridan experienced by petitioners and other inmates. The first declaration was signed on June 29, 2020, and filed with the Court (ECF 16). The second declaration reported on information received from July 2020 to December 2020, and was relied upon by Dr. Stuart Grassian for his filed report (ECF 72, Ex. 2). The third declaration, dated September 10, 2021, reports on the outbreak of COVID-19 at Sheridan and the experience of sick inmates being housed in the gymnasium at Sheridan. The fourth declaration provides information I received through October 1, 2021, and was filed, along with the others, on October 8, 2021 (ECF 89). The fifth declaration provides information I received from October 2, 2021, to February 4, 2022, and was filed on February 4, 2022 (ECF 98). This sixth declaration is based on publicly available information from the Bureau of Prisons, information about COVID infections provided by the government in *Stirling v. Salazar*, as well as on information reported to our offices from inmates, family members of inmates, and attorneys who represent inmates.

## **CURRENT CONDITIONS FOR INMATES AT THE SHERIDAN FEDERAL CORRECTIONAL INSTITUTION**

### **Inmates Report Sheridan Is Struggling To Provide Adequate Medical Care.**

- i don't know what has happened with the government or this place doing the right thing ? but i have been having the same medical issues for awhile and everybody has talked a good game of what they are going to do and still i have not been treated .i have been having breathing problems ,chest pains, irregular heart beat and high blood pressure for almost two years and lets not forget confusion and know i have kidney stones so bad that today the pain was so over whelming i passed out ? iam not a doctor but everything I am reading is saying that because of my blood pressure being so high for so long combined with the covid and my adverse reaction to the vaccination ,my kidneys, lungs and heart are shutting down on me and without proper treatment I am just going to be another name on one of these LIA LEGAL bulletins .i am getting the feeling that I am doomed to die in this place ? i have been the model inmate as i have never had a write up i have worked my way down from a penitentiary i have completed every class offered to me I am low recidivism on the pattern score i have paid my restitution off and have had a job my whole sentence so to ask for medical attention should not be an issue ? i have done what's asked of me and now all i want is proper medical care .i can not stress how sick I am every day and the pain i feel at times and to be ignored like i don't even exist is mind numbing and makes me have no faith in another human being. I am almost to the point of laying down and just saying fuck it and hope for the best ? i have been healthy and sound of mind this whole prison term but know I am broke and need help (sent 6/1/2022 J.S)
- I ended up in medical this morning. Horrible rhythm problems with my heart and chest pain. I spoke to Ms. Joyce who was going to contact Dr. Spear and see what they need to do. She said I have to go into the hospital to change my meds, per his orders. I told her I was going to stop taking them.....I have way to many side effects, I'm tired of feeling like shit and everyone agrees I'm on the wrong ones. So why keep taking the wrong meds???? This is insane.  
I asked again about my tests and what I can do....why they are not getting done. She was going to go talk to Dr. Grassley, which is useless.  
Ms. Joyce is trying to be as helpful as she can but she can only do so much as she is the pharmacist. I really need some help here with this. (sent 5/23/2022 D.A.)
- could you call up here to ask why i havent finnished up my Inpressions for my Dentures..Its been over 2 years and they wont even answer my concern forms i sent them..thank you.. (sent 5/18/2022 T.D)
- I haven't heard from you in a while. I'm nervous talking to you on "open lines of communication" after what happened last time. I'm not doing well with my heart issues. Getting worse. I was supposed to see my surgeon within 30 days of my surgery

for post-op and the next steps. Its been over 10 weeks with no appointment. I was supposed to see my regular Cardiologist in 30 days from our last appointment and its been well over 2-months. I spoke to the pharmacist here (Joyce) who is about the only one who is willing to take time to talk to you. She's convinced I'm on the wrong medication but cant/wont do anything until I get in to see the doctors. (sent 5/7/ DA)

- so i got the staples taken out on tuesday the 3rd of may, last night i was washing my stomach and my stomach started to ooze and flow with blood and pus a lot and there is a two inch spot on the line of the surgery that is spreading open it is not healing like it should be. Then about 15 minutes ago i showed an officer my stomach and i pushed on it to show him and it made a popping sound and it shot pus out about a 5 foot spray then started flowing pus down my stomach i went to medical again and was given more bandages and some antibiotics, i think that the antibioticss will only postpone the infection because i have been on antibiotics numerous times and it never gets any better, my stomach is very painful. (sent 5/4/2022 C.C)
- I have been here at sheridan fci for over a year, im a diabetic and they have been ignoring my serious issuses. I am blind i need glasses i cannot read its very difficult. i have retinopathy and my eyes hurt i have put cop out after copout. i also have horrible feet there deformed. i wear a size 16 double wide. when i arrived here over a year ago, they took my medical shoes and they would not let me have them. laundry services and commissary could not provide me shoes that fit so i had to wear shoes that didnt fit for almost 6 months. now i have hammer toes with ulcers on the tips. They wont do anything for them. THEY IGNORE MY COP OUTs telling them im in pain. i had to cut out the blisters myself because i didnt want them to peel off and get infected. i CAN BARLEY WALK I cannot see im trying to get help to do bp-9 process i cannot see its ridiculous. (sent 3/23/2022 K.P.)
- ive been writing dental to get my teeth fixed or pulled because ive been in sever pain for over a month but they wont see me cause covid has been in our unit sense January 30th 2022. medical keeps taking the positive people on lockdown in stead of taking them out of the unit so there cross contaminating the unit. march 11th 2022 they finally took the positive people out of the unit but still left there cellmates in here to possible spread covid. this is a huge health issue thats gotten more the 60 people sick with covid. and now ive lost my halfway house date because were on lockdown and do our drug treatment classes. please make note to add to my petition that my medical needs are not being cared for and im being denied dental due to medical. thank you (sent 3/16/2022 J.H)
- Hello and good afternoon, I would like to address some concerns to you about the man Jeff Green who recently came back from the hospital. He has been urinating blood and can not hold food down, yet they still have him in the unit and medical is outright refusing to give him adequate treatment. Today they came by to give him pads to lay down on. They have not been giving him his pain medication. He has

invasive prostate cancer and many of us in the unit who are still reeling from the death of a good man due to medical neglect are fearing the worst. (sent 3/1/2022 W.K)

- Toms, we called him "Bones," was sick for quite a while leading up to this. His heart had stopped once before when he had a different cellmate and the ambulance was called, and thankfully they revived him. He had been asking medical staff for months to see him about the blood he was coughing up but they never did anything for him. He made it to the lobby once to address his concerns and ask if he could see a specialist, and while he was there he was coughing up blood in the office. They still didn't do anything for him.

He did pass in his sleep. I had checked on him just before I went to sleep, I woke up in the middle of the night and he wasn't snoring and I hadn't heard anything so I looked to check on him again and he was still in the same position he had been before. I jumped down and felt that he wasn't breathing. I tried. Toms, had multiple conditions which he was not receiving adequate treatment for, including COPD and acid reflux. He had written several e-mail and paper requests to the medical staff asking to be seen by a specialist to determine the cause of the blood he was coughing up daily. I'm aware that he was in the lobby of the medical annex coughing up blood, which he showed to them, and their response was that they would "try" to get him in to see a specialist. (sent 2/17/2022 W. K)

### **Inmates Are Reporting That Staff Is Not Updating The FSA Credits.**

- are you guys or i should say you ladys having alot of complaints about the fsa stuff, im having some problems with my case manager not fixing my pattern score, it shows ive completed some classes alot actually BUT on the automated scoring system it doesnt show and she could care less i keep getting the run around, it seems like the employees here or some ishould say dont have a care in the world there is no oversite so they do what they want because nobody can do anything about AND THAT SUCKS, im an american citizen, whom pays taxes and alot at that, and ta see this broken valve just pouring my tax dollars out 24\7 makes me mad so do you have any advice?? (6/2/2022 J.O)
- I was wondering if the BOP is not applying my First Step Act Credits then how can I have the courts do so? I've completed a bunch of programs including RDAP here in FCI Sheridan my approved Halfway House date is 10/31/2022 and I wanted to get more time off so more Halfway House or Home Confinement. How can i apply these being a Medium recidivate? (sent 5/31/2022 A.F.)
- i was finally able to get a copy of my fsa recidivism assesment sheet today and its all messed up

1) shows im a " medium custody level "..which im not in a 'low custody" since march this year

2) shows only 4 completed programs lol...which is deffinatly wrong i have almost 20 completed programs but its also still missing these 5 that i been tryin to get inputed into computer ..plus it doesnt show my new completed anger managment certificate for course i completed last week.(in programs completed section)..which would give me more points off my total score

3)doesn't give me credit for my 2000hour completed apprenticeship (should be in work programs section)..which would give me more points off my total score (sent 5/25/2022 L.G)

### **Inmates Are Reporting About The Destruction Of Mail And Mail Issues.**

- They said that the legal mail was tainted so they burned all the mail that was in the mailroom. I sent you the memo. Plus they say that they contact all attorney that we send mail too. to verify that you are expecting a letter from us or that we are expecting one from you. (sent 3/29/2022 M.L.)
- I sent you my response letter and told you about the mail being burnt up in January. we just got a notice today that they did it again yesterday. (sent 3/22/2022 M.L.)
- hi lisa so the mail was burnt and destroyed again on the monday that alot of legal responces that were going back out to you i know of at least 15 people that had legal mail going out to you and we never know if it gets to you so can you please let us know whos legal responces you get..my wife set you the memo about them burning the mail and opening legal mail with out the inmate present...can you please send a list of people that responded (sent 3/23/2022 A.B)
- i recently filed a 2241 with the clerk of court to try for my first step credits- because of the pandemic.im sure you heard but they burned our mail again! ive been expecting a response from the clerk of court.how do i get them to resend the response???i dont have anything on when it was sent in my records. how do we keep from them burning our mail constantly? there was never any problems with the mailroom before they went to the policy of copying everything. cant we just go back to what works? (sent 3/23/2022 S.L.)
- this is to let you know that all the mail in the mailroom here at fci sheridan was incinerated on march 21, the reason given in the memo put out was that an unknown substance was in the legal mail so they burnt it all. funny part is they are openin legal mail without the inmate present and this is the second time this has happened and same excuse given if you have any questions about this or any other things goin on

here let me know any help to stop this from happenin again would be great (sent 3/22/2022 S.H.)

- we've been having a lot of problems here with the mail room. They've been destroying our mail when they get overwhelmed with too much stuff. They'll not do mail or being down books to the unit for weeks after my family says they've gotten here, and then after such a long time, they put a memo out saying they "found fentanyl" on some of the mail, and they just destroy everything. They say they will reimburse us for destroyed items, but they simply don't. They don't even log what they receive. My wife's been sending me photos in the mail from freeprints for the past 2 months, I've received none of them. People say they've gotten photos copied, they're not supposed to copy those. Out of 8 letters that she sent, 2 were sent back to her, the other ones I never received, nor did she ever get them back. I put a cop-out in asking why I never got my mail, or why they sent these letters back, they said there's no record of me having any mail here or them sending letters back. Just complete deniability, they don't inform us of when they send letters back or throw them away,. My wife took pictures of the mail that was sent back with a note that said it couldn't be delivered/forwarded, if you need proof of these things. They're doing it to everyone. I can give you the answer that I got from the staff here on paper, and I could have my wife send scans of the letters that got returned. This has been going on for many months and it is not getting any better. When my wife called here, she spoke to the gentleman working in the mail room, and he said that there's only one staff member in the mail room, and he doesn't have time to process the mail. (sent 2/17/2022 C.J)

### **Inmates Are Reporting About Lack Of Programing And Recreation At Sheridan.**

- we are not getting our 1 hour a day of recreation, and now there is a memo saying that we are not allowed to excersise in the unit. This contributes to Diabetes and obeseity because of the lack of movement and excersise. (sent 5/25/2022 L.B)
- I ve been in the RDAP building going on 15 months now and they still have not put me in the program yet and continue to move inmates over that dont get the year off. In reality Im already eating into my time off and FSA credits Ive earned and work credits for the year I worked. I just sent out my Appeal for compassionate release denial by the courts to the ninth circuit.
- I basically just wrote a letter explaining my time locked down for covid the time I worked the FSA programs I ve signed up for all of them but only been able to get a few done because of the long waiting list and that Ive been in RDAP over a year and still have not been put in the program . I also explain about my support on the streets and monetary situation I have set aside for release plus I own my home . I just need a chance and Ill do good with it. Seems like I cant do nothing with my life but sit or be



locked down in a cell here. I did get my GED and signed up for college . Thanks for your time. Ttyl (sent 5/9/2022 C.D)

- so here is my question.....the b.o.p. WEB site say the facility is at a "green" status but we still are not open in any change. no chow in chow hall, limited recreation activities and limited movement for education....why are we still being punished for something that isn't in our control?? Sent 3/18/2022 D. H)
- They moved me over to Unit 4-A now and are currently being audited regarding the funds they been receiving here for all the people they had enrolled in RDAP(and all the other non-existent programs here) for the past couple years, but who have actually been doing NO PROGRAMMING HERE WHATSOEVER! It's really sad because these people here haven't even been paying the guys in RDAP the little \$40.00 per quarter they're supposed to be getting for doing the program and a LOT of those guys over there really NEED that little money, you know? A few good things to report now is that since they kicked me out last Wednesday, 3/23/22, they got the RDAP program up and running FULL BORE like it's SUPPOSED to be run over there and I believe the guys over there should start getting their pay like they should've been getting all this time here pretty soon. They're doing the same with all the other departments here now so this place is going to be running wide open here within the next couple weeks and they're asking me for a release address ASAP (sent 3/27/2022 T.O.)
- Hello. I thought you should know that this facility is routinely violating BOP policy now. I am a Mental Health Care Level 3 inmate. By policy, I am supposed to be seen by someone in Psychology services ONCE A WEEK. I have not been seen in MONTHS, and I am not alone. Psychology staff won't even respond to electronic mail, and we haven't even had groups in over a month either. Why be at a Care Level 3 prison if you don't receive care level 3 services. What should I do? I fear retaliation if I file a BP-9. Thank you. (sent 3/17/2022 G.G.)

### **Inmates Are Reporting About Loss Of Access To Law Library.**

- Word is that J2 has no access to the law library. I am told that several detainees sent in requests for access recently. Those who did were apparently pulled out yesterday (Monday) by H. (the J2 manager?) and B. (whom my client believes is third in rank at the prison). The detainees were informed that the warden has said the law library for J2 will be closed indefinitely and would not be reopened. (I got conflicting reports on this last piece: one report was that it would not be open for at least the rest of 2022; the other report was that it would not reopen so long as Hendricks remains warden.)

J2 detainees were given two choices: (1) agree to move to J1, along with signing a form that waives any due process violations resulting from lack of access to the law library, or (2) go to the SHU for refusing to move. My client refuses to move and refused to sign anything. He told B. that he wanted to speak with his attorney before



signing anything. She reportedly told him that he should not call his attorney about this because the attorney can't do anything about it -- that the attorney's job is to deal with the case outside the prison and anything happening in the prison has nothing to do with the attorney and is none of his business. (Sent 5.24.2022 by CJA attorney)

- they have not had access to the law library for 6 weeks (since April 11). Upset because it prevents him from assisting in his own defense, makes him waive speedy trial. Wanted to let us know in case helpful to the lawsuit against Sheridan. (Received call 5/16/2022 from J.C)
- I am new inmate to the fci Sheridan. I arrived here, 1-7-2022 and due to covid and facility lockdowns I have had no access to the law library except for 1 hour on wWednesday My appeal is scheduled for 3-22-2022. I am a paralegal and when I was transferred here, all of my legal papers were forcibly left at the Pahrump facility. I have no meaningful access to the law library on a computer. As I understand the situation here in unit 3A, The Trulincs software had the Law Library on two computers, but were taken off after a short time. Leaving no one with access to the law library during quarantine and facility lockdown. I have started the process of filing my administrative relief. I will be submitting my BP-8 tomorrow for the law library to be put on the computers here at unit 3A. As you probably know the Trulincs system is outdated and hard to find cited material. (sent 2/24/2022 S.B)

### **Inmates Are Reporting Being Locked In Cells.**

- Were back on Code red up here and its not cases of covid on the compound No rec again, programs are once a week and there no movement like before and it was good about a week ago. Let me know what I can do. Or is there any information you need from me. (sent 5/10/22 A.)
- i give up 22 days in solitary confinement for not getting vaccinated ? i am being punished for my beliefs and am scared to get because of blood clots .These people can do what ever they want to a person with no liability .i am a non-violent offender that's not been in any trouble since i have been here. i have went to school , took vocational classes , took PTSD classes in psychology and bettered myself for the most part .i waited over two years for the gym to open up so i can try to get my health back since we have been locked down i have had numerous ear infections where i just found out that i have to get surgery because of a hole in my right ear drum .also i just found out that i have coronary heart disease I'm on a medicinal trial and now being shipped off with out seeing my cardiologist first that but me on the medication .my mother has called every day here and they keep on telling her that there is no one on lock down. like i said i give up. (sent 3/24/2022 B.G)

- I let the court know that we are LOCKDOWN in our Unit 24/7 with no access to the law library or anything legal papers and the administration remedy's are unavailable to us . the prison grievance papers are unavailable to us (sent 3/2/2022 T.A)
- Still on lockdown. No exercise. No fresh air. No commissary, etc, etc., Even the family dog gets to go outside for daily walks. Not us, it's over a month. I feel like one of the animals in the SPCA commercial. (sent 2/23/2022 D.F.)
- As I was saying in my message of 2/26/22, it appears that most of the problems here stem from the Warden trying to operate this facility on a skeleton crew. As I said in my message, they are missing personnel to fill Supervisory positions throughout the facility. They also missing the personnel to fill a lot of other important positions. For instance, each Unit here(of which there are 8) is supposed to have a Unit Manager, 2 Case Managers, and 2 Counselors; however, the Unit I'm in(Unit 1) has NO Unit Manager, only 1 case manager(Ms. Bilbrey), and 1 Counselor(Mr. Vanaken) to handle the entire caseload for both sides of the Unit, 1-A and 1-B(where I'm housed). The same problem exists throughout this entire facility. Not only is this unfair for the inmates, resulting in not being able to enjoy the conditions, freedoms, and privileges we should and most other inmates are provided at other federal facilities, it's unfair to the handful of personnel employed here who come to work everyday knowing they're going to have to carry not just their own work load, but that of everyone else who's positions are empty. This is also unsafe conditions for EVERYONE...

On another note, we were finally taken off of 22 hour per day cell lockdown this morning. We're out now but still restricted to the Unit dayroom(commonly referred to as the "flats"). We're supposed to remain out of our cells until 1:00PM then we're supposed to be locked back in our cells until 6:00PM then be let back out onto the "flats." (sent 3/1/2022 T.O)

### **Inmates Report Difficulties And Disruptions With Food Service.**

- We are confined to the housing units, we have no access to recreation or fresh air, no educational programming is provided, the institution regularly burns our mail, and even regular access to the minimum required amount of food is not guaranteed. We will wait sometimes 3 or 4 hours past a scheduled meal time to be served food, several items on the national menu will be missing from the tray, and even the items that are present are less than half of the required portion size. The staff give 5 minutes to choke down your food, and threaten to throw you in the SHU if you don't leave quick enough. The administrators at this institution do not think twice about starving inmates, and I don't understand to what end? The budget is provided by the tax payers, where does the money go to? The last food service administrator was fired for misappropriating money, but the problem is systemic. Food is the most important thing for an institution to provide. There is no interest by administrative staff in fixing these problems. In America, 40% of food is wasted before it reaches the plate, there

is certainly large amounts of food wasted here, why can this institution not feed us the required amount of food. (sent 6/4/2022 A.P)

- this is continuing to be a problem at this facility. we were not served and food untill almost 7pm last night. it is 8:10am now and we still havent been sevred breakfast but they continue to do moves on the compound and other units have eaten. how is that fair or appropriate?? they have a certian window in order too feed us and they blatently disregard anything that is right (sent 5/12/2022 D.H.)
- rumor is no more eggs, peanut butter, and some other stuff but ill let you know after next weekend um i guess ill keep you posted this week (sent 5.3.2022 J.O)
- so today is day 2 that food service has NOT had any bread available to inmates in this facility. they do NOT follow the nation menu requirements at all. no cake served for breakfast due to the fact that they have no flour, butter, shortening, or most of the main ingredients for baking anything. how is that even legal or allowed?? we are not being fed properly according to national guidelines...i even attempted to get my "heart healthy" tray and that was just oatmeal and a orange....please help us. i know that that c.o. Jemison was removed from this facility via escorted for some kind of nefarious practices in food service but come on.. (sent 3/16/2022 D.H.)

In conclusion, I have been the primary point of contact in our office for inmates and their families regarding concerns about the conditions at Sheridan since the end of March 2020. In this sixth declaration, I have recorded a sample of the concerns that inmates have raised about conditions. These are only a small part of the pleas for help that our office receives. Almost daily, I receive at least one phone call regarding medical and dental neglect, which has not improved over this pandemic. In fact, many inmates report their conditions getting progressively worse as time passes and they are left untreated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct; that the statements set forth above are based on my own knowledge where indicated, or based on received reports from others that are corroborated by their consistency with other reports, and I believe those statements to be true; and that this declaration was executed on June 30, 2022, in Portland, Oregon.

/s/ Courtney Withycombe

Courtney Withycombe

FPD Investigator